



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Thomas Brodin et al.

Application No.: 10/088,639

Filed: March 20, 2002

For: NOVEL COMPOUNDS

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) Group Art Unit: 1642
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) Examiner: Larry Ronald Helms
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) Confirmation No.: 7152
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete and timely response to the Office Action [restriction requirement] of July 15, 2004, Applicants submit the following response.

In the Office Action [restriction requirement], the Examiner sets forth a restriction requirement among twenty groups of the claims. Applicants herewith elect Group I, claims 1-16, 34, and 37, drawn to an antibody, with traverse.

Regardless of whether the two inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

Applicants respectfully submit that the inventions of Groups I to XX are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Groups I to XX share the special technical feature of relating to gastrointestinal epithelial cells and malignant diseases of same. Thus, all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained. Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering Applicants invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Reconsideration and withdrawal of the restriction requirement are requested. Applicants have no intention of abandoning any non-elected subject matter and expressly reserve the right to file one or more continuation and/or divisional applications directed to the non-elected subject matter.

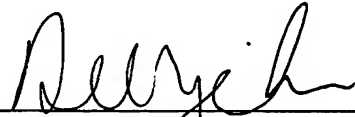
Applicants earnestly solicit favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact

the undersigned at the below-listed telephone number, if it is believed that
prosecution of this application may be assisted thereby.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 15, 2004

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